

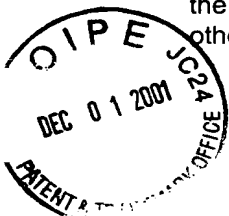
EXPRESS MAIL No.: EL 915 670 298 US

Deposited: November 1, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, DC 20231

 / **Ruth Montalvo** Date: **11/01/01**

In the event that this paper is late filed and a necessary Petition for an Extension of Time is not concurrently filed herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this paper, to Deposit Account No. 50-1529.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXAMINER: UNASSIGNED ATTY DOCKET #: 500582.20016

APPLICANTS: David R. SMITH, et al. GROUP ART UNIT: UNASSIGNED

SERIAL NO.: 09/729,562

FILING DATE: December 4, 2000

TITLE: SYSTEM AND METHOD FOR SINGLE-ENDED LINE ANALYSIS
FOR QUALIFICATION AND MAPPING

Box DAC
Commissioner for Patents
Washington, D.C. 20231

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DECLARATION OF EUGENE LEDONNE

Sir:

I, Eugene LeDonne, hereby declare:

1. I reside at 45 Lenox Road, Summit, New Jersey 07901.
2. I am a partner with Reed Smith LLP ("Reed Smith") and represent the assignee of the above-identified application, Acterna, LLC.
3. On August 17, 2001, I sent a Federal Express package having FedEx Tracking Number 8244 4602 0655 to Duane Eareckson. The Federal Express package included a cover

letter enclosing the following documents: (1) a copy of the complete patent application (specification, claims and drawings) for a System and Method for Single-Ended Line Analysis for Qualification and Mapping; (2) a combined Declaration and Power of Attorney; (3) an Assignment document; and (4) a prepaid Federal Express envelope having FedEx Tracking Number 8244 4602 0666 to return the Declaration and Assignment documents to me at Reed Smith. A copy of my August 17, 2001 letter, the documents enclosed with the letter, and Federal Express Air Bills having Tracking Nos. 8244 4602 0655 and 8244 4602 0666 are attached hereto in Exhibit A.

4. In the cover letter that I sent to Duane Eareckson on August 17, 2001, I included instructions for executing the Declaration and set forth a deadline of September 20, 2001 to return the Declaration to me. I also included in the cover letter a statement that if the Declaration was not returned to Reed Smith by September 20, 2001, such conduct would constitute a refusal to sign the Declaration. See the cover letter which is attached in Exhibit A.

5. Subsequent to sending the Federal Express package having FedEx Tracking Number 8244 4602 0655 to Duane Eareckson on August 17, 2001, one of our secretaries at Reed Smith, Cynthia Rouse, obtained a letter from Federal Express providing the delivery information for the Federal Express package having FedEx Tracking Number 8244 4602 0655. A copy of the letter from Federal Express is attached hereto as Exhibit B. The letter from Federal Express shows that the Federal Express package having FedEx Tracking Number 8244 4602 0655 was delivered at Duane Eareckson's last known address on August 20, 2001 at 9:47 a.m. and signed for by A. Rowland.

6. To date, neither I nor any other employee of Reed Smith has received an executed Declaration in connection with the above-identified application from Duane Eareckson.

I hereby declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed in New York, New York on November 1, 2001.

By: 

Eugene LeDonne - Reg. No. 35,930
375 Park Avenue, 17th Floor
New York, NY 10152
(P) 212-521-5402
(F) 212-521-5450
Attorney for Applicants

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VIA FEDERAL EXPRESS

August 17, 2001

Duane Eareckson
2521 Link Road
Lynchburg, VA 24503

Re: U.S. Patent Application Serial No. 09/729,562
for a SYSTEM AND METHOD FOR SINGLE-ENDED LINE
ANALYSIS FOR QUALIFICATION AND MAPPING

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Dear Mr. Eareckson:

Please find enclosed the following documents:

- (1) a copy of the patent application for a SYSTEM AND METHOD FOR SINGLE-ENDED LINE ANALYSIS FOR QUALIFICATION AND MAPPING;
- (2) a Combined Declaration and Power of Attorney ("Declaration");
- (3) an Assignment document; and
- (4) a Federal Express envelope.

Please review the application carefully and then sign and date page 2 of the Declaration and return it to us by September 20, 2001. If we do not receive an executed Declaration by September 20, 2001, such conduct will constitute a refusal to sign the Declaration.

Also, please carefully review the Assignment document and then execute it and return it to us with the executed Declaration by September 20, 2001. If we do not receive the Assignment document executed by you by September 20, 2001, such conduct will constitute a refusal to sign the Assignment document.

In addition, as we have listed above, we have enclosed a Federal Express envelope for you to use in returning the executed Declaration and Assignment documents to us. Please note that we have already included our account number on the Federal Express envelope and therefore you do not need to pay any charges for sending the Federal Express envelope to us. Thus, please simply deposit the Federal Express envelope with the executed documents at a Federal Express facility near your home.

If you have any questions, please feel free to give me a call.

Sincerely yours,


Eugene LeDonne
EL/cgr

Enclosures

375 Park Avenue
17th Floor
New York, NY 10152-1799
212.521.5400
Fax 212.521.5450
Delaware
New Jersey
New York
Pennsylvania
Virginia
Washington, DC

Federal

283

500

FedEx USA AirbillFedEx
Tracking
Number

8244 4602 0655

1 From Please print and press hard.

Date 8/17/01

Sender's FedEx
Account Number

1979-1125-5

Sender's Name Eugene LeDonne, Esq.

Phone (212) 521-5400

Company REED SMITH LLP

Address 375 PARK AVE FL 17

Dept./Room/Suite/Room

City NEW YORK

State NY

ZIP 10152

2 Your Internal Billing Reference

500582.2001641

First 24 characters will appear on invoice.

3 To

Recipient's Name Duane Fareckson

Phone ()

Company

Address 2521 Link Road

to "HOLD" at FedEx location, print FedEx address.

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Dept./Room/Suite/Room

City Lynchburg

State VA

ZIP 24503

Peel and Stick FedEx USA Airbill

See back for application instructions.

Questions? Visit our Web site at www.fedex.com

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By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

0161213729

0215

Sender's Copy

4a Express Package Service

☒ FedEx Priority Overnight☐ FedEx Standard Overnight☐ FedEx First Overnight

Next business morning

Next business afternoon

FedEx delivery to select locations

☐ FedEx 2Day*☐ FedEx Express Saver*

*Declared value limit \$500

4b Express Freight Service

☐ FedEx 1Day Freight*☐ FedEx 2Day Freight☐ FedEx 3Day Freight

Next business day

Second business day

Third business day

*Call for Confirmation.

5 Packaging

☒ FedEx Envelope/Letter*☐ FedEx Pak*☐ Other Pkg.
Include FedEx Box, FedEx
tube, and customer pkg.

6 Special Handling

☐ SATURDAY Delivery☐ SUNDAY Delivery☐ HOLD Saturday
at FedEx Location

Available only for FedEx Priority

Available only for FedEx Priority

Available only for FedEx Priority

Overnight to select ZIP codes

Overnight to select ZIP codes

Available only for FedEx Priority

Does this shipment contain dangerous goods?

One box must be checked.

Available only for FedEx Priority

☐ No☐ Yes☐ As per attached
Shipper's Declaration

Dangerous Goods cannot be shipped in FedEx packaging.

Not required

by

Shipper's Declaration

Not required

by

Dry Ice

Dry Ice 3.1M 195

Cargo Aircraft Only

FedEx Account No.

Ego.

Date

Credit Card No.

Enter FedEx, Account No. or Credit Card No. below.

Ego.

City Lynchburg

State VA

ZIP 24503

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See back for application instructions.

Questions? Visit our Web site at www.fedex.com

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By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

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FOLD AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE.

Do not ship liquids, blood, or diagnostics in this packaging

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DEC 05 2001
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284

500

FedEx USA Airbill

Express

8244 4602 0666

1 From Please print and press hard.

Date

Sender's FedEx
Account Number

1979-1125-5

Sender's Name Eugene Ledonne, Esq.

Phone (212) 521-5400

Company REED SMITH LLP

Address 375 PARK AVE FL 17

City NEW YORK

State NY

ZIP 10152

2 Your Internal Billing Reference

First 24 characters will appear on invoice.

500582.20016

OPTIONAL

3 To

Recipient's Name Eugene Ledonne, Esq.

Phone (212) 521-5402

Company Reed Smith LLP

Address 375 Park Avenue, 17th Floor

We cannot deliver to P.O. boxes or P.O. ZIP codes.

City New York

State NY

ZIP 10152

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See back for application instructions.

Questions? Visit our Web site at www.fedex.com

or Call 1-800-Go-FedEx (800)463-3339.

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

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SPR451

0215

Sender's Copy

4a Express Package Service

☒ FedEx Priority Overnight

Next business morning

Delivery commitment may be later in some areas. Expedite next business morning delivery to select locations.

☐ FedEx 2Day

Second business day

☐ FedEx Express Saver

Third business day

4b Express Freight Service

☐ FedEx 1Day Freight

Next business day

☐ FedEx 2Day Freight

Second business day

☐ FedEx 3Day Freight

Third business day

5 Packaging

☒ FedEx Envelope/Letter

Other Pkg.

Other Pkg. (Box, Tube, and customer pkg.)

6 Special Handling

☐ SATURDAY Delivery

Available only for FedEx Priority Overnight and FedEx 2Day

☐ RESTRICTIONS

Available only for FedEx Priority Overnight and FedEx 2Day

☐ HOLD Saturday at FedEx Location

Available only for FedEx Priority Overnight and FedEx 2Day

☐ No

One box must be checked.

☐ Yes

As per restricted packaging instructions

☐ Fragile

Not required

7 Payment Bill to:

☒ Sender

Account No. in Section 1 will be billed.

☐ Recipient

☐ Third Party

☐ Credit Card

☐ Cash/Check

FedEx Acct. No.

Credit Card No.

Total Packages

Total Weight

Total Declared Value

Total Packages

Total Weight

Total Declared Value

\$.00

FedEx Use Only

8 Release Signature

Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

SPS 500-Rev. 02/01 (Rev. 1/99) 125-0194-2001 FedEx® PRINTED IN U.S.A.

402



Docket No. 500582.20016

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COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **System And Method for Single-Ended Line Analysis For Qualification And Mapping**, the specification of which

☐ is attached hereto.

☒ was filed on December 4, 2000 as Application Serial No. 09/729,562.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Louis M. Heidelberger, Reg. No. 27,899; John W. Goldschmidt, Jr., Reg. No. 34,828; William J. McNichol, Jr., Reg. No. 31,179; R. Anthony Diehl, Reg. No. 38,432; Maryellen Feehery, Reg. No. 44,677; Alison B. Weisberg, Reg. No. 45,206; Carl H. Pierce, Reg. No. 45,730; Nanda P.B.A. Kumar, Reg. No. 44,853; Thomas J. McWilliams, Reg. No. 44,930; Matthew J. Esserman, Reg. No. 41,536; Frederick H. Colen, Reg. No. 28,061; W. Scott Railton, Reg. No. 23,039; Gene A. Tabachnick, Reg. No. 33,801; Maria N. Rullo, Reg. No. 37,433; Barry J. Coyne, Reg. No. 43,566; Kirsten R. Rydstrom, Reg. No. 38,603; Paul D. Bangor, Jr., Reg. No. 34,768; Charles H. Dougherty, Jr., Reg. No. 42,494; Cheryl L. Gastineau, Reg. No. 39,469; Ian K. Samways, Reg. No. 36,664; Marc J. Farrell, Reg. No. 37,826; Stanley P. Fisher, Reg. No. 24,344; Robert D. Kucler, Reg. No. 45,908; Juan Carlos A. Marquez, Reg. No. 22,077; Gerald Kiel, Reg. No. 25,116; Eugene LeDonne, Reg. No. 35,930; Jules Goldberg, Reg. No. 24,408; Lloyd McAulay, Reg. No. 20,423; Harold Nissen, Reg. No. 17,283; Arthur Dresner, Reg. No. 24,403; Stephen Chin, Reg. No. 39,938; Mark Montague, Reg. No. 36,612; Samir Patel, Reg. No. 44,998 and Mary E. Buckles, Reg. No. 31,907.

Address all telephone calls to Eugene LeDonne at telephone number (212) 521-5402

Address all correspondence to:

Eugene LeDonne, Esq.
REED SMITH LLP
375 Park Avenue, 17th Floor
New York, NY 10152

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Full name of sole or first inventor

Residence

Citizenship

Post Office Address


David R. Smith

2150 Laurel Woods Dr., Salem, Virginia 24153

United States

SAME AS ABOVE

Date: 2/19/01

Inventor's Signature

Full name of second inventor

Residence

Citizenship

Post Office Address


Richard Liberman

7127 Rivers Edge Road, Columbia, Maryland 21044

United States

SAME AS ABOVE

Date: 2/15/2001

Inventor's Signature

Full name of third inventor

Residence

Citizenship

Post Office Address


Duane Eareckson

2521 Link Road, Lynchburg, Virginia 24503

United States


SAME AS ABOVE

Date: _____

Reed Smith LLP
375 Park Avenue, 17th Floor
New York, NY 10152
(212) 521-5400


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nster fur
o analyz

Inventor's Signature
Full name of fourth inventor
Residence
Citizenship
Post Office Address


David Johnson
560 Downing Street, Roanoke, Virginia 24019
United States
SAME AS ABOVE

Date: 2/19/2001

Inventor's Signature
Full name of fifth inventor
Residence
Citizenship
Post Office Address


Paul Francis Wyar
5824 Woodville Road, Mt. Airy, Maryland 21771
United States
SAME AS ABOVE

2/14/2001

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Reed Smith LLP
375 Park Avenue, 17th Floor
New York, NY 10152
(212) 521-5400

ASSIGNMENT

WHEREAS, the undersigned (hereinafter referred to as ASSIGNOR) have invented a certain invention entitled SYSTEM AND METHOD FOR SINGLE-ENDED LINE ANALYSIS FOR QUALIFICATION AND MAPPING which was filed at the United States Patent and Trademark Office on December 4, 2000, and granted Application No. 09/729,562.

WHEREAS, ACTERNA, LLC, a corporation organized and existing under the laws of Delaware and having a place of business at 20400 Observation Drive, Germantown, Maryland (hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the full and exclusive right, title and interest to said invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by any application or any continuation, divisional, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

ASSIGNOR HEREBY COVENANTS that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale; and

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

David R. Smith
David R. Smith

Date: 2/19/01

Richard Liberman
Richard Liberman

Date: 2/15/2001

Duane Eareckson
Duane Eareckson

Date: _____

David A. Johnson
David Johnson

Date: 2/19/2001

Paul Francis Wyar
Paul Francis Wyar

Date: 2/14/2001

Patty Laurencia
Signature of Witness

Date: 2-19-01

Patty Laurencia
Signature of Witness

Date: 2-15-01

Signature of Witness

Date: _____

Patty Laurencia
Signature of Witness

Date: 2-19-01

Patty Laurencia
Signature of Witness

Date: 2-14-01